

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
January 25, 2011

In the Matter of ABOUJOUEH, Minors.

No. 298810
Oakland County Circuit Court
Family Division
LC No. 09-760569-NA

Before: METER, P.J., and M. J. KELLY and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating his parental rights to four minor children under MCL 712A.19b(3)(j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). The trial court must also find clear and convincing evidence that termination of the respondent's parental rights was in the children's best interests. MCL 712A.19b(5). This Court reviews a trial court's factual findings in an order terminating parental rights for clear error. MCR 3.977(K); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Regard is given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. *Miller*, 433 Mich at 337.

There was clear and convincing evidence that, based on respondent's conduct, the children would likely be harmed if returned to respondent's care. See MCL 712A.19b(3)(j). Respondent and his family had an extensive history of petitioner's involvement in their lives, dating back to the oldest child's infancy, and had received numerous services from petitioner. In spite of these services, the children had been missing significant amounts of school and had gone to school dirty and without lunch or a means to obtain lunch. The family spent part of their time at a West Bloomfield house that was without power and was eventually condemned.

There was evidence that respondent allowed the children's mother to have contact with the children even though her parental rights had been terminated in 2007. She had been in jail for about two years and was released on May 3, 2009. The three older girls told the Children's Protective Services (CPS) investigator and the clinical psychologist that they lived with their mom and dad. The code enforcement officer that condemned the West Bloomfield house testified that the woman he met at the house introduced herself as the children's mother. The

foster care worker received a registered letter confirmation that had been sent to the West Bloomfield house and that was signed by the mother on May 8, 2009.

There was clear and convincing evidence that a violent altercation occurred between respondent and the children's mother on May 25, 2009, in front of the children, which left them upset and traumatized. The older three girls reported that respondent tied their mother up, hurt her, and poured water on her. The girls were obviously present because they described the incident in detail and were even asked to participate by both parents. Respondent attempted to minimize the incident in his testimony by saying that he only held the mother down, that he did not tie her up, that he took her into another room, and that the girls only happened to see what was going on because they opened the door. However, he admitted that the scene was "crazy," that the mother was screaming and yelling, that he poured water on her, that she asked the children to bite him, and that he did not call the police. Respondent only called someone to pick the children up and take them away from the situation after all this happened. After all the years of services, court involvement, and knowledge of the mother's harmful behavior, respondent still failed to protect his children from her and engaged in domestic violence with her in front of the children.

The evidence regarding the domestic violence incident between respondent and the children's mother on Memorial Day, combined with respondent's failure to call law enforcement, clearly demonstrated that respondent lacked the insight or ability to protect his children from harm. Respondent's exposure of his children to domestic violence, his past failures to protect the children from harm and to prepare his children properly for school and provide ongoing appropriate housing, his failure to address or accept responsibility for his parental shortcomings, and his continued association with the children's mother supported the trial court's decision that, based on respondent's conduct, there was a reasonable likelihood that the children would be harmed if returned to respondent's care.

There was also clear and convincing evidence that termination of respondent's parental rights was in the children's best interests. The clinical psychologist who evaluated the three older girls testified at the best-interests hearing and concluded that the children had witnessed chronic domestic violence. The psychologist stated that the girls displayed a lot of anxiety, fearfulness, and "hyper vigilance." She explained that slight sounds and movements easily alarmed the girls, which was typical of children who had experienced or witnessed violence. The psychologist indicated that all three children acted violently and aggressively in their play because children often act out the violence that they see. She stated that the girls would have to see a therapist to work through their feelings of fear, abandonment, and loss and to work on establishing long-term stability.

Respondent refused to accept any responsibility for any of the circumstances that led to the petition for termination of his parental rights. Respondent denied any violence on his part. He insisted that the children's mother was the only violent one. Not only did respondent deny any wrongdoing or parental shortcomings, he claimed that the families that took the girls in and the caseworkers were all against him and responsible for the current state of the family. Respondent's failure to accept responsibility for his family's circumstances and his unwillingness to acknowledge any failures did not support his contention that he was able to properly care for his children. Respondent stated that he was willing to participate in services if it would help him regain custody of his girls. However, without any acceptance of

responsibility, it was unlikely that respondent would benefit from services in order to be able to help his girls establish long-term stability. Considering this evidence, the trial court did not err in concluding that there was clear and convincing evidence that termination of respondent's parental rights was in the children's best interests.

Affirmed.

/s/ Patrick M. Meter

/s/ Michael J. Kelly

/s/ Amy Ronayne Krause